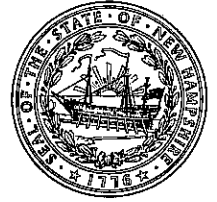




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 29, 2008

The Honorable Martha Fuller Clark, Chairman  
Energy, Environment and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

Re: SB 47, relative to surface water

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on SB 47, which clarifies that only new surface water withdrawals or diversions must receive certification of compliance with surface water quality standards. The Department of Environmental Services (Department) supports this bill.

In the last legislative session, the paragraph that is amended by this bill was enacted to ensure that the Department would review and certify any new surface water diversions and withdrawals that must be registered with the state (i.e. withdrawals or diversions of 20,000 gallons or more per day on average over a 30 day period). However, the current language could be interpreted to include groundwater withdrawals, which was not the Legislature's intent. Under the Groundwater Protection Act, RSA 485-C, there is already an extensive withdrawal permitting process specific to groundwater which, among other protections, ensures compliance with surface water quality standards. Accordingly, the Department supports this clarifying language.

Again, thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack  
Commissioner

cc: Senator Cilley  
Senator Merrill  
Senator Odell  
Senator Janeway  
Representative Keans  
Representative Moody  
Representative Perry  
Representative Price